REMARKS

In the outstanding Office Action, the Examiner rejected claims 1, 3-6, 15-19 and 21-29. Claims 1, 6, 18, 19, 21 and 27-29 are amended herein. Claims 2, 7-14 and 20 remain cancelled. No new matter is presented. Thus, claims 1, 3-6, 15-19 and 21-29 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claims 18 and 19 was rejected 35 U.S.C. § 112¶2 as being indefinite. Claims 18 and 19 are amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

(a)   Claims 1, 3, 4 and 18 as being anticipated by U.S. Patent No. 5,675,630 (Beatty).

The claimed invention is directed to detecting a first mode of use (using situation) based on functions currently executed by a user, determining that functions of the first mode have a higher possibility of use than functions related to a second mode of use for based on said detecting and automatically providing the functions of the first mode of use.

Independent claim 1 recites, "a managing part configured to manage application programs stored in the portable apparatus… in a manner linked to a plurality of using situations" and "a switch configured to set a using situation of the portable apparatus to one of a plurality of modes subsequent to detection of said using situation during implementation of said using situation." The portable apparatus of claim 1 includes, "a control part configured to automatically identify and select, based on said set using situation, an application from among application programs" that has "a high possibility of use, and to make the selected application program available for use by the particular user."

Similarly, independent claim 18 recites, "automatically identifying and selecting, based on said using situations, an application program from among said one or more application programs … having a high possibility of use subsequent to detection of said using situations."

In contrast, Beatty is directed to associating phone number directories of a mobile communication module with number assignment modules (NAMs). The user utilizing the Beatty system scrolls through the NAM options on the display of the phone and activates one by pressing an enter button (see, col. 3, lines 54-62 and col. 4, lines 25-28). Then, the system

activates a phone book or a speed dial directory which complements the selected NAM entry (see, col. 4, lines 28-46). The system of Beatty merely makes phone directories available for use regardless of the active NAM based on manual selection of the user (see, col. 1, lines 6-14).

By the Examiner's own assertion, once a NAM is activated by the user in Beatty, the application software will automatically activate a phonebook and/or speed dial function corresponding to the selected NAM (see, page 4 of Office Action). Meaning, the selection of a particular NAM is prior to use of that particular NAM.

Beatty does not teach or suggest each and every feature of the claimed invention including providing "an application from among application programs having a high possibility of use... subsequent to detection of said using situation during implementation of said using situation", as recited in claims 1 and 18.

As dependent claims 3 and 4 depend from independent claim 1, the dependent claims are patentable over Beatty for at least the reasons presented above for independent claim 1.

Therefore, withdrawal of the rejection is respectfully requested.

(b)   Claims 27 and 28 as being anticipated by U.S. Patent No. 5,642,410 (Walsh).

Independent claim 27 recites, "controlling the terminal to switch between the first operation mode during transmission of a first data using the terminal and the second operation mode during transmission of a second data using the terminal based on said classifying." Claim 27 further recites, "automatically providing an application program stored in the terminal based on the first or second operation mode subsequent to said controlling and providing the application program as having a highest possibility of use among application programs stored in the terminal."

Claim 28 recites, "detecting a current use based on a type of information exchanged via the terminal based on a use corresponding to said type of information as set by a switch subsequent to said detecting" and "automatically providing an application program... that has a high possibility of use among application programs of the terminal based on the detected current use of the terminal."

The Walsh telephone integration system executes an established rule if an incoming call's information satisfies the criteria of a rule (see, col. 8, lines 57-61). In particular, Walsh is directed to uniformly establishing precedential rules for retrieving application program data based on call information (see, Abstract and col. 2, lines 46-51).

Walsh does not teach or suggest each and every claimed feature including "automatically providing an application program stored in the terminal based on the first or second operation mode subsequent to said controlling" (claim 27) and "automatically providing an application program... that has a high possibility of use among application programs of the terminal based on the detected current use of the terminal (claim 28).

Therefore, withdrawal of the rejection is respectfully requested.

(c)   Claims 1, 6, 18, 19, 27 and 28 as being anticipated by JP 09-107396 (Tomohiro).

Tomohiro is directed to private and business use terminal data of a telephone directory memory that are accessed based on a set up of a control channel as specified by a key or a condition such as the location of the apparatus (see, Abstract).

Independent claim 6, by way of example, recites detecting "a using situation of the portable apparatus based on information selected from at least one of an electronic mail address of another party during implementation of a mail reception or transmission and a telephone number of another party during a telephone reception or transmission." Claim 6 includes a control part configured to "automatically identify and select, based on said detected using situation, one application program from among one or more application programs" and "make the selected application program available for use by the particular user." Independent claim 19 recites similar features.

As mentioned above, claim 1 recites, "a switch configured to set a using situation of the portable apparatus to one of a plurality of modes subsequent to detection of said using situation during implementation of said using situation" and "a control part configured to automatically identify and select an application from among application programs having a high possibility of use." Independent claim 18 recites similar features.

Claims 27 and 28 respectively recite, "automatically providing an application program... based on the first or second operation mode subsequent to said controlling" and "automatically providing an application program... that has a high possibility of use among application programs of the terminal based on the detected current use of the terminal."

The teachings of Tomohiro are limited to accessing private/business use terminal data in response to a specified key or condition, and thus does not teach or suggest "automatic" selection of an application program "subsequent" to detection of use, as recited in claims 1, 6, 18, 27 and 28.

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Therefore, withdrawal of the rejection is respectfully requested.

(d)   Claims 21 and 27-29 as being anticipated by JP 10-304452 (<u>Shojiro</u>)

<u>Shojiro</u> is directed to retrieving, extracting and controlling information based on a designated place and time zone entered by the user and designated in the telephone directory (see, Abstract).   Meaning, <u>Shojiro</u> merely selects and displays telephone directory data according to whether a communication mode is a public mode or a home mode.

Claim 21 recites, "a switch indicating one of a business mode for business use and a private mode for personal use, of the portable apparatus while being implemented by the particular user, based on the time of day." The claimed invention includes, "automatically identifying and selecting, based on said indicating, at least one of the application programs stored in the portable apparatus corresponding to said business mode and said private mode."

Independent claim 29 recites, "determining a location of the portable terminal and an application program of the portable terminal in accordance with a function during implementation of a first set of procedures." Claim 29 further recites, "modifying the application program and information with respect to the function of the terminal subsequent to detection of a second set of procedures using the portable terminal."

<u>Shojiro</u> is limited to selecting a phone directory based on selected mode, and thus, does not teach or suggest each and every feature of the claimed invention including "automatic" selection of an application program based on "implementation" of use and procedures via the terminal, as taught by the invention of claims 21 and 29.

<u>Shojiro</u> does not teach or suggest, "automatically providing an application program" subsequent to detection of "current use" and "operation mode", as recited in claims 27 and 28.

Therefore, withdrawal of the rejection is respectfully requested.

Dependent claims:

As dependent claims 3 and 4 depend from respective independent claims discussed above, the dependent claims are patentable over the references for at least the reasons presented above for the independent claims. The dependent claims are also independently patentable. For example, as recited in claim 3, "said control part determines an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use."

The cited references, alone or in combination, do not teach or suggest the claimed portable apparatus selecting "an application program" for a detected using situation and determining "an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use", as recited in claim 3 and independent claim 1, upon which claim 3 depends.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 5, 6, 15-17, 19 and 21-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: Beatty, Walsh, U.S. Patent No. 6,047,062 (Bijman) and U.S. Patent No. 6,477,374 (Shaffer).

The above-arguments addressing the rejection of claims 6, 19, 21, 27, 28 and 29 based on Beatty and Walsh are incorporated herein.

Shaffer is directed to predicting patterns of usage of a device based on a user's calendar for switching the device from one network to another when a call is made. That is, Shaffer is limited to routing calls based on predicted patterns of usage of the devices.

Bijman adds nothing to the teaching of the claimed invention. In particular, Bijman merely updates a stored number when a calling party's number is inconsistent with a stored copy (see, col. 2, lines 23-33).

As mentioned above, Walsh is directed to executing a rule for an incoming call and Beatty activates a NAM only after manual selection by the user.

The inventions of claims 6, 19, 21, 27, 28 and 29 are directed to selection of "an application program" as having a high possibility of use "subsequent" to detection of a current using situation (see above discussion of claims 6, 19, 21, 27, 28 and 29). The cited references, alone or in combination, do not teach or suggest the features of the claimed invention.

It is submitted that independent claims 6, 19, 21, 27, 28 and 29 are patentable over the cited references.

For at least the above mentioned reasons, claims depending from indent claims 6, 19, 21 are also patentable over the cited references.

Therefore, withdrawal of the rejection is respectfully requested.

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CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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